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**FACSIMILE TRANSMITTAL**

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**TO:**

Name: Examiner U. Ho

Firm: U.S. Patent &amp; Trademark Office

Fax No.: 703-872-9306

Subject: U.S. Patent Application No. 10/098,683

Gary Karlin Michelson, M.D.

Filed: March 15, 2002

SPINAL IMPLANT CONTAINING BONE

MORPHOGENETIC PROTEIN

Attorney Docket No. 101.0042-05000

Customer No. 22882

Confirmation No. 7210

**FROM:**

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 2

Date: June 1, 2004

**Confirmation Copy to Follow: NO**

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Statement of Substance of Interview is being facsimile transmitted to the U.S. Patent and Trademark Office on June 1, 2004.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0042-05000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 7210  
Gary Karlin Michelson, M.D. )  
Serial No.: 10/098,683 ) Group Art Unit: 3731  
Filed: March 15, 2002 ) Examiner: U. Ho  
For: SPINAL IMPLANT CONTAINING )  
BONE MORPHOGENETIC )  
PROTEIN )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT OF SUBSTANCE OF INTERVIEW**

A personal interview between the undersigned and Examiner (Jackie) Tan-Uyen T. Ho was conducted on April 29, 2004. Claims 54 and 79 as well as the arguments presented in Applicant's Amendment dated April 16, 2004 were discussed. No prior art was discussed. Agreement was reached for Examiner Ho to withdraw the rejection under 112, first paragraph in the previous Office Action.

It is requested that this document be made of record in the above-identified application.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 1, 2004

By:   
Thomas H. Martin  
Registration No. 34,383

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